

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

HAROLD SHAWGNESSY SIMS,

Plaintiff,

v.

MALENDIA WARREN, *et al.*,

Defendants.

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No. 4:18-cv-00656-SWW-JTK

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Jerome T. Kearney and plaintiff's timely objections. After making a de novo review of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Complaint (Doc. Nos. 1, 7) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the Proposed Findings and Recommended Disposition and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 31st day of October, 2018.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE